

Members

Sen. Connie Lawson, Chairperson
Sen. Connie Sipes
Rep. Sheila Klinker
Rep. Suzanne Crouch
Sally Lowery
Suda Hopkins
Betty Williams
Christopher Durcholz
Susan Ferverda
Bettye Dunham
Scott Sefton
Sharon Kooi



COMMISSION ON DEVELOPMENTAL DISABILITIES

Legislative Services Agency

200 West Washington Street, Suite 301

Indianapolis, Indiana 46204-2789

Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Bill Brumbach, Fiscal Analyst for the Commission
Susan Kennell, Attorney for the Commission

Authority: IC 2-5-27.2

MEETING MINUTES¹

Meeting Date: September 15, 2009
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington St., 233
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Connie Lawson, Chairperson; Rep. Sheila Klinker; Rep. Suzanne Crouch; Sally Lowery; Betty Williams; Christopher Durcholz; Bettye Dunham; Scott Sefton.

Members Absent: Sharon Kooi; Suda Hopkins; Susan Ferverda; Sen. Connie Sipes.

I. Call to Order

Chairperson Lawson called the meeting to order at 10:45 AM. Chairperson Lawson began the meeting by expressing how much of an honor it was to be serving as chair of the Commission and asked the Commission members, stakeholders, and audience members to be patient while she learns more about the Commission. Following Chairperson Lawson's opening comments, she asked the members of the Commission to introduce themselves.

II. Presentation by Mr. Peter Bisbecos, Director, Division of Disability and Rehabilitative Services (DDRS), regarding the First Steps Program, Developmental Disabilities Waivers, and DDRS.

Mr. Bisbecos provided the Commission with a copy of his PowerPoint presentation (Exhibit 1). Mr. Bisbecos compared Indiana's spending on disability services to other states. Indiana is one

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

of 25 states that have not cut services to the elderly and individuals with disabilities. He presented data on the states that have been expanding disability services. Although the data he presented did not show that Indiana was expanding services, Mr. Bisbecos told the Commission he believed Indiana should be on this list.

According to his report, during the past year DDRS has been increasing developmental disability waiver services, increasing individuals who transfer onto waiver services from other state programs, and increasing the number of new waiver service consumers steadily from SFY 2005 to 2009. He assured the Commission that DDRS was doing all it could to decrease the waiver waiting list, but the waiting list did increase from SFY 2008 to SFY 2009. He did note the majority of individuals who were on the waiting list were between the ages of 5 and 21. Mr. Bisbecos informed the Commission there had been substantial savings to the state by switching individuals with developmental disabilities from Medicaid services to the developmental disability waiver program.

Mr. Scott Sefton asked about the rate at which people were being removed from the waiting list, to which Mr. Bisbecos responded that the reduction in the waiting list was not as large as the reduction last year. Chairperson Lawson asked how long it would take to remove everyone from the waiting list if DDRS had unlimited funding for the waiver program. Mr. Bisbecos informed the Commission that DDRS could remove approximately 2,000 individuals per year from the waiting list because the provider community must grow as well. He clarified that DDRS could not provide services for everyone immediately, but the supply of providers would first have to grow to meet the demand. By his estimates, this would take approximately five years.

Mr. Bisbecos brought some issues to the attention of the Commission. One issue Mr. Bisbecos raised is the fact there are a disproportionate number of caregivers who are over the age of 80. Another issue is the unemployment rate of individuals with developmental disabilities.

Another problem that was addressed was the lack of oversight of case managers. Because DDRS now contracts with case management firms for services, Mr. Bisbecos stated that the turnover rate of case managers was significantly low. However, Mr. Scott Sefton enquired why the turnover in the southern region increased to 8.7% in May of 2009 when it was 0% from January of 2009 to April of 2009. Mr. Bisbecos said he would investigate further and provide his findings to the Commission at its next meeting.

Mr. Bisbecos also reported on the outreach services offered by DDRS. He informed the Commission that two of the most important parts of these person-specific referrals are the psychiatric services and the seating clinic services. Individuals in the psychiatric services are those who have the highest chances of becoming involved with the criminal justice system, whereas the seating clinic helps individuals get properly fitted and seated in wheelchairs to decrease health problems stemming from improper placement in wheelchairs.

Mr. Bisbecos addressed the First Steps program. He informed the Commission that since program eligibility requirements changed in 2005, program participation has remained constant and even trended upwards between SFY 2005 and SFY 2009. Spending per child on the First Steps program was stable between SFY 2008 and SFY 2009 and the individuals most served by the First Steps program have been those with autism (as compared to the developmentally disabled).

Mr. Bisbecos also wanted to bring the Commission's attention to Indiana's Disability Determination Bureau. This Bureau works with the Federal Social Security Administration and has been rated either the most efficient or second-most efficient state determination bureau over the past two years. In response to this, Representative Klinker commented that the accomplishments of this Bureau are something that the state of Indiana should be proud of and

they demonstrate that Indiana is going to great lengths to provide for developmentally disabled individuals.

Mr. Bisbecos closed by outlining some of the challenges DDRS will be facing in SFY 2010. He emphasized DDRS needs to use funding very wisely, continue to improve quality management and outcome measurement for the funding spent on services, and find competitive, community-based employment for people with disabilities.

Mr. Chris Durcholz asked Mr. Bisbecos about the differing reimbursement rates for direct care. He specifically wanted to know why service provider agencies receive a high rate of reimbursement but the staff do not receive a high rate of reimbursement. He wanted to know if DDRS had addressed this issue in the OASIS negotiations. Mr. Bisbecos responded that the negotiated rate is now uniform across the state. The problem stems from some agencies charging more than others for the same services. The actual pass through of payments to the service professionals is something that is not governed by state or federal agencies, but rather by the service agencies themselves.

III. Presentation by Ms. Adrienne Shields, Deputy Director, DDRS, concerning the OASIS program.

Ms. Shields provided the Commission with a copy of her PowerPoint presentation (Exhibit 2).

Ms. Shields reminded the Commission members that the OASIS program was intended to create a uniform funding model for state support. She began her presentation by providing background information on the OASIS program and highlighting events in the program's implementation. Ms. Shields emphasized that through the negotiation process, bulletins were created and distributed to inform consumers when new rates and changes would become effective.

Additionally, Ms. Shields informed the Commission that a Budget Modification Review was implemented to benefit the consumer for the instances when consumers feel their new annual budget under modified rates is insufficient to provide an adequate level of care. Mr. Sefton enquired how long the Budget Modification Review took from request to determination, and Ms. Shields responded that it required a seven-day turn-around.

In April of 2009 an OASIS Task Force was established to address and review data that was previously gathered, the health and welfare needs of the population, and ensure a rational business model for the OASIS program. This Task Force is responsible for moving the OASIS program forward. Ms. Shields reported the Task Force will make a statewide presentation in November regarding the OASIS program.

Mr. Scott Sefton voiced concerns from service providers regarding the meetings the Task Force has been holding. Ms. Shields responded that DDRS has been informing providers with notice of actions, asking providers to confirm that the new budgets contained in the notice of actions are correct before action, and DDRS has highly encouraged providers to work with them to ensure the program is successful.

IV. Testimony and Concerns from Mr. Jim Hammond, CEO, INARF.

Mr. Hammond highlighted three important issues the Commission and the General Assembly may wish to consider this year. These issues are (1) the accreditation of day service providers, (2) Direct Support Professional Initiative (INTrain), and (3) reducing the waiting list.

Regarding accreditation, Mr. Hammond informed the Commission that accreditation works to

ensure that service providers are providing high quality services to the consumer. It is INARF's position that only accredited developmental disability centers should be able to provide day services to consumers. However, Mr. Hammond also stated that DDRS or any other state agency should not be in the accreditation business as this should be regulated by the private industry.

The Direct Support Professionals Initiative is a temporarily halted project that INARF is working with FSSA and DDRS to revive. Currently, federal funds are being sought to save the program. Mr. Hammond requested the Commission consider drafting a resolution to allow the Arc of Indiana and INARF to save the program by finding more permanent sources of funding.

Mr. Hammond presented recommendations INARF supported to provide a waiver program and reimbursement system that would benefit all involved. He also highlighted that one of the main challenges for the state is reducing the waiting list, especially given that stimulus funds are an indefinite funding source. Mr. Hammond warned the Commission that when the stimulus funding is no longer available that providing the same services will prove difficult. He estimated that the first difficult financial year would be SFY 2011.

Ms. Sally Lowery enquired about the accreditation of group homes and day service providers. Mr. Hammond responded that accreditation would prevent group homes from offering day services for the sole purpose of capitalizing on additional payments from the state. Representative Klinker asked how much accreditation could cost a service provider. Mr. Hammond informed the Commission that it could cost a provider agency anywhere from \$5,000 to \$25,000, depending on the number of service sites an agency operates. Chairperson Lawson commented that achieving a consensus on accreditation could prove to be a very difficult task.

V. Testimony from Mr. John Dickerson, Executive Director, Arc of Indiana.

Mr. Dickerson highlighted four points of interest for the Commission. He, like Mr. Hammond, asked the Commission to approve a resolution that would allow INARF and the Arc of Indiana to work with FSSA and DDRS to revive the Direct Support Professional Initiative. Mr. Dickerson also informed the Commission that employment of individuals with developmental disabilities is an important national issue. He asked the Commission to support a resolution that would create a five-year goal of doubling employment of the developmentally disabled in Indiana.

Mr. Dickerson also asked if the Commission would consider legislation that would create a diversion program for the developmentally disabled similar to the diversion program in place for individuals with mental illnesses. He informed the Commission that currently judges feel there is not enough flexibility in the statute pertaining to the mental illness diversion program to allow the developmentally disabled to utilize the same program.

Mr. Dickerson mirrored Mr. Hammond's concerns regarding the decrease in funding for developmental disability programs with the conclusion of stimulus funding. Mr. Dickerson told the Commission that when this funding ends, and if the economy has yet to recover, the state would be in a "very gloomy situation". He presented the Commission with a newsletter that contained additional information on the expiration of the stimulus funding (Exhibit 3).

Chairperson Lawson asked Mr. Dickerson if the Arc of Indiana had crafted any language regarding the Direct Support Professionals Initiative and the diversion program for the developmentally disabled. Mr. Dickerson told Chairperson Lawson that he or Mr. Hammond from INARF would send a copy of the language to Legislative Services for review. Chairperson Lawson stated the Commission may discuss what effect the expiration of stimulus funding may have on state programs for the developmentally disabled.

Representative Klinker informed the Commission that Senator Steele's Sentencing Policy Committee would be addressing the diversion program for the developmentally disabled on September 24, 2009. Mr. Scott Sefton added that the Sentencing Policy Study Committee would also study prosecuting sexual offenses made against individuals with developmental disabilities, another concern the Commission had last year.

Ms. Betty Williams asked Chairperson Lawson if she may address the Commission at the next meeting and make a presentation regarding employment initiatives and opportunities for the developmentally disabled.

Chairperson Lawson concluded the meeting and asked Legislative Services to research the issues of diversion programs for the developmentally disabled and prosecuting sexual offenses made against individuals with developmental disabilities.

Chairperson Lawson adjourned the meeting at 12:30 PM.